

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

KATHLEEN PAINE, as Guardian of the
Estate of CHRISTINA ROSE EILMAN,
a Disabled Person,

Plaintiff,

vs.

OFFICER RICHARD CASON
OFFICER ROSENDO MORENO
LIEUTENANT CARSON EARNEST,
SERGEANT DAVID BERGLIND,
DETENTION AIDE SHARON STOKES,
OFFICER TERESA WILLIAMS, DETENTION
AIDE CYNTHIA HUDSON, DETENTION AIDE
CATONIA QUINN, OFFICER DEBORAH
MABERY, OFFICER PAMELA SMITH,
OFFICER PAULINE HEARD,
and CITY OF CHICAGO,
a Municipal corporation,

Defendants.

No. 06 C 3173

Judge Kendall

Magistrate Judge Maria Valdez

**PLAINTIFF'S MOTION FOR LEAVE TO FILE RESPONSE TO
DEFENDANTS' MOTION FOR LEAVE TO FILE SUPPLEMENTAL
AUTHORITY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

Plaintiff, Kathleen Paine, as Guardian of the Estate of Christina Rose Eilman ("Plaintiff"), by her attorneys, Segal McCambridge Singer & Mahoney, Ltd., moves this Court for an Order granting her leave to file a response to Defendants' Motion for Leave to File Supplemental Authority in Support of their Motion for Summary Judgment. In support, Plaintiff states as follows.

1. On February 5, 2010, Defendants filed a Motion for Leave to File Supplemental Authority in Support of Motion for Summary Judgment. (Doc. # 661)

2. That motion brings to the attention of the Court a recent Memorandum and Opinion and Order in the *Lizak v. Village of Compton Hills*, No. 09 C 4282 (N.D. Ill.) which the Defendants believe relates to their Motion for Summary Judgment.

3. After reviewing Defendants' motion and the attached *Lizak* decision, Plaintiff drafted a response to Defendants' motion which distinguishes the *Lizak* decision from the facts of the case at bar. (Exhibit A)

4. On February 9, 2010, the Court entered a Minute Order granting Defendants' motion. (Doc. # 667).

5. This Order was entered prior to the filing of Plaintiff's formal written response and, thus, the Court's CM/ECF system will not permit Plaintiff to file a response to a Motion that has previously been ruled on.

6. Plaintiff wishes to file a brief written response to Plaintiff's motion and seeks leave of Court to do so.

WHEREFORE, Plaintiff, Plaintiff, Kathleen Paine, as Guardian of the Estate of Christina Rose Eilman, prays this Court grant it leave to file a response to Defendants' Motion for Leave to File Supplemental Authority in Support of their Motion for Summary Judgment.

Respectfully submitted,

KATHLEEN PAINE, as Guardian of the Estate of
CHRISTINA ROSE EILMAN, a Disabled Person

By: /s/ Mitchell P. Morinec

One of Her Attorneys

Jeffrey Singer, Esq. (ARDC #02620510)
Kimberly Kayiwa Esq. (ARDC# 6274510)
Mitchell P. Morinec, Esq. (ARDC #6290282)
Segal McCambridge Singer & Mahoney, Ltd.
233 S. Wacker Drive - Suite 5500
Chicago, Illinois 60606
(312) 645-7800

CERTIFICATE OF SERVICE

I, Mitchell P. Morinec, depose and state that I served a copy of the foregoing Plaintiff's Motion for Leave to File Documents Under Seal, upon all parties and counsel of record this **15th day of February 2010** via this Court's Electronic Filing System.

By: /s/ Mitchell P. Morinec

Mitchell P. Morinec